

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**STEVEN MILES, and
MATTHEW LEBRUN,**

Defendants.

Case No:

VIOLATIONS:

18 U.S.C. § 111(a)(1)

**(Assaulting, Resisting, or Impeding
Certain Officers)**

18 U.S.C. § 231(a)(3)

(Civil Disorder)

18 U.S.C. § 1361

(Destruction of Government Property)

18 U.S.C. § 1752(a)(1)

**(Entering and Remaining in a Restricted
Building or Grounds)**

18 U.S.C. § 1752(a)(2)

**(Disorderly and Disruptive Conduct in a
Restricted Building or Grounds)**

18 U.S.C. § 1752(a)(1) and (b)(1)(A)

**(Entering and Remaining in a Restricted
Building or Grounds with a Deadly or
Dangerous Weapon)**

18 U.S.C. § 1752(a)(2) and (b)(1)(A)

**(Disorderly and Disruptive Conduct in a
Restricted Building or Grounds with a
Deadly or Dangerous Weapon)**

18 U.S.C. § 1752(a)(4) and (b)(1)(A)

**(Physical Violence in a Restricted Building
or Grounds with a Deadly or Dangerous
Weapon)**

40 U.S.C. § 5104(e)(2)(D)

**(Disorderly Conduct in
a Capitol Building)**

40 U.S.C. § 5104(e)(2)(F)

**(Act of Physical Violence in the Capitol
Grounds or Building)**

40 U.S.C. § 5104(e)(2)(G)

**(Parade, Demonstrate, or Picketing in
a Capitol Building)**

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR AN ARREST WARRANT**

I, Christopher Leckinger, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of an application for arrest warrants for STEVEN MILES and MATTHEW LEBRUN.

2. As a Special Agent with the FBI, I am “an investigative or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18 of the United States Code. I have been an FBI Special Agent since approximately January 2010, and I am currently assigned to the FBI’s Tampa, Florida Field Office, where I work with the Joint Terrorism Task Force. I obtained my Master’s degree in Information Technology from the Rochester Institute of Technology and my Bachelor’s degree in Computer Science from the State University of New York at Geneseo. I have gained experience through training at the FBI Academy in Quantico, Virginia, and through everyday work conducting investigations. As an FBI Special Agent, I have participated in investigations involving the violations of various federal laws, including laws related to cybercrime, terrorism, counterintelligence, and other criminal activities. In addition to my regular duties, I am tasked with investigating criminal activity in and around the U.S. Capitol grounds on January 6, 2021.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. The United States Capitol (“the Capitol”) is secured 24 hours a day by U.S. Capitol Police. Restrictions around the Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the Capitol. On January 6, 2021, the exterior plaza of the Capitol was also closed to members of the public.

5. On January 6, 2021, a joint session of the United States Congress convened at the Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives (“the House”) and the United States Senate (“the Senate”) were meeting in separate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

6. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

7. At such time, the certification proceedings were still underway and the exterior doors and windows of the Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the Capitol, including by breaking

windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

8. Shortly thereafter, at approximately 2:20 p.m. members of the House and Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

9. During national news coverage of the aforementioned events, video footage, which appeared to be captured on mobile devices of persons present on the scene, depicted evidence of violations of local and federal law, including scores of individuals inside the Capitol building without authority to be there.

PROBABLE CAUSE

10. STEVEN MILES (“MILES”) is a 38-year-old resident of Florida. According to records associated with his Florida driver’s license, MILES is 5’6” tall. As a part of this investigation, I have reviewed the image of MILES associated with his November 2021 Florida driver’s license, which depicts MILES with a brown beard.

11. I am familiar with MILES’ appearance from having personally observed him. According to lawfully obtained flight records, on January 27, 2022, MILES flew from Salt Lake City, Utah and arrived in Tampa, Florida on January 28, 2022. I am aware that the Transportation Security Administration (“TSA”) requires airlines to collect identifying information from individuals to register for flights including their true name and date of birth and that the TSA requires individuals to present an identification document that matches this data during a security check prior to a flight. A member of the Federal Air Marshal Service observed MILES during this

flight and, upon arrival in Florida, identified MILES to me. I then followed and observed MILES, who, after exiting the airport, entered a vehicle that is registered in his name.

12. MATTHEW LEBRUN, (“LEBRUN”) is a 33-year-old resident of New Orleans, Louisiana. According to records associated with his August 2018 Louisiana driver’s license, LEBRUN is 5’7.” As a part of this investigation, I have reviewed the image of LEBRUN associated with his criminal history, which depicts LEBRUN.

13. In May 2021, FBI agents searched the cellular telephone of a separately charged January 6 defendant (“Defendant-1”) pursuant to a judicially authorized search warrant. A review of the contents of Defendant-1’s cellular telephone revealed numerous text messages between Defendant-1 and a telephone number ending in “0798” (the “0798 Number”) spanning January 5-6, 2021. The 0798 Number is believed to have been used by LEBRUN because, among other reasons, (1) on January 5, 2021, the 0798 Number sent Defendant-1 a text message reading only “Matthew LeBrun,” followed by Image 1 below, which appears to be a selfie-style photograph; and (2) the 0798 Number is subscribed to “Matt LeBrun” at an address in New Orleans, Louisiana.



Image 1

14. The individual depicted in Image 1 is consistent in appearance with LEBRUN, as he appears in the photograph associated with his criminal history. Additionally, a confidential source who works in the service industry near New Orleans, Louisiana and who sees LEBRUN regularly as part of his/her job identified the man depicted in Image 1 as LEBRUN.

15. Image 1 shows LEBRUN wearing a dark-colored gaiter with stars, a dark bandana with stars on it, dark sunglasses, and a black tactical vest over a gray vest. The tactical vest is adorned with an American flag patch where the logo for the “Three Percenters” militia group takes the place of the stars. LEBRUN also appears to be wearing a body camera, which is attached to the tactical vest on LEBRUN’s chest.

16. According to LEBRUN's text messages with Defendant-1, at approximately 4:23 a.m., on January 6, 2021, LEBRUN alerted Defendant-1 that he "got called to respond to antifa in freedom plaza. Supposedly they busted a woman in the face. Going to meet up with some guys now."

The Defendants' Actions on January 6, 2021

17. The FBI received a tip regarding the January 6, 2021, attack on the U.S. Capitol building from an individual referred to herein as the Witness. The Witness explained that she met two men and posed for a photograph with them. *See* Image 2 below. The Witness also explained that the man on the right in the photograph was from Portland¹ and the man on the left in the photograph was from "NOLA," which I understand to be an acronym for New Orleans, Louisiana. The Witness heard the men saying, among other things, that they had broken into the Capitol building by breaking a window.

¹ AT&T records obtained pursuant to legal process link MILES to an address in The Dalles, Oregon, which is approximately 73 miles from Portland, Oregon.



Image 2

18. The men were STEVEN MILES and MATTHEW LEBRUN. MILES, who has a brown beard, can be seen wearing a red “Make America Great Again” baseball hat, a tan camouflage jacket with a patch that reads “MILES” on his left sleeve, navy gloves, camouflage pants, a backpack and tan boots. In other video and photographs from January 6, 2021, MILES can be seen wearing a black shirt that reads “Trump 2020 Fuck Your Feelings” and his backpack

underneath his tan camouflage jacket as well as black fingerless gloves. LEBRUN can be seen wearing a dark long-sleeved shirt, a grey vest, a black tactical vest, a dark American flag gaiter, a navy bandana with stars on it, dark sunglasses, black gloves, jeans and dark shoes. These appear to be the same items that LEBRUN can be seen wearing in Image 1.

19. Leading up to the attack on the Capitol on January 6, 2021, LEBRUN and MILES were frequently observed with a small group of individuals, including: (1) Zachary Johnson, who wore a long-sleeved camouflage shirt with a patch that reads “INFIDEL” on the left sleeve and “WHITE” on the right sleeve, a tactical vest, jeans, black gloves, an olive-green balaclava, a black baseball cap that reads “Hurley” on the rear and has the Hurley logo in the colors of the American flag on the front, glasses, goggles, and grey sneakers; and (2) Dion Rajewski, who wore a grey hooded sweatshirt, jeans, brown gloves, a multi-colored mask and a black baseball cap that reads “Once a Marine Always a Marine” on the front of the hat, “United States” on the top rear of the hat and “Marines” on the rear closure, and who had grey hair. Johnson and Rajewski marched to the Capitol with the same group as MILES and LEBRUN.

20. On January 6, 2021, prior to the attack on the Capitol, various groups and individuals walked in the streets of Washington, D.C., around and to the area of the Capitol. Media and other third-parties documented some of these groups’ and individuals’ movements that day. MILES and LEBRUN marched one such group. Another man that marched in this same group is Alan Fischer III, who wore dark sunglasses, a black zip-up Carhartt jacket, a grey hooded sweatshirt, grey pants and brown shoes, and who had a slicked back brown hair and a brown beard.²

² On February 9, 2022, Johnson, Fischer and Rajewski were charged by superseding indictment, in case number 22-CR-11, with violations of 18 U.S.C. §§ 231(a)(3), 1752(a)(1), (2) and (4) and 40 U.S.C. § 5103(e)(2). Johnson was also charged with a violation of 18 U.S.C. § 111(a)(1) and (b). Fischer was also charged with violations of 18 U.S.C. § 111(a)(1) and (b) and 40 U.S.C. § 5104(e)(2)(F). All of these charges relate to the attack on the Capitol.

Images 3 through 5 (below) were captured from video taken on January 6, 2021, near the U.S. Capitol building and depict MILES and LEBRUN as they marched.³



Image 3

³ The individual in Images 3 – 9 and 12, 14 – 22, whose face is partially or fully obscured, has been identified as MILES based on (1) a comparison of his Florida driver's license image, my personal observation of MILES, as well as other images and videos of the events on January 6, 2021, in which MILES' face was not obscured and (2) his proximity to individuals who MILES spent time with on January 6, 2021, including LEBRUN, Fischer, Johnson and Rajewski. In such images and video, MILES appears to be wearing clothes consistent with those depicted in Images 3 – 9 and 12, 14 – 22.

The individual in Images 2, 4 – 6, 8, 9, 11, 13, 14, 18, 19, 21 – 22, whose face is partially or fully obscured, has been identified as LEBRUN based on (1) a comparison of his Louisiana driver's license image, Image 1, as well as other images and videos of the events on January 6, 2021, in which LEBRUN's face was not obscured and (2) his proximity to individuals who LEBRUN spent time with on January 6, 2021, including MILES, Fischer, Johnson and Rajewski. In such images and video, LEBRUN appears to be wearing clothes consistent with those depicted in Images 2, 4 – 6, 8, 9, 11, 13, 14, 18, 19, 21 – 22.



Image 4



Image 5

21. Eventually MILES and LEBRUN made their way to the restricted grounds on the West Front of the U.S. Capitol, as captured in Image 6, and as seen in Image 7, MILES is observed holding his cellular telephone in a way consistent with him filming or taking photographs.



Image 6



Image 7

22. On the West Front, MILES and other rioters then engaged in a confrontation with police officers who were protecting the Capitol. During this confrontation, MILES shoved and attempted to punch police officers, as seen in Images 8 and 9.



Image 8



Image 9

23. After the confrontation with police, MILES and LEBRUN appeared on the West Front of the Capitol without their masks/gaiters, as captured in Images 10 – 12.



Image 10



Image 11



Image 12

24. MILES and LEBRUN maneuvered their way to a staircase inside of scaffolding on the northwest side of the Capitol. *See* Image 13.



Image 13

25. At approximately 2:10 p.m., MILES and LEBRUN traveled up the staircase from the West Front to the Upper West Terrace of the Capitol. *See* Image 14.



Image 14

26. At approximately 2:12 p.m., U.S. Capitol CCTV footage depicts individuals banging on the Senate Wing Door and the windows on either side of the door with their fists and other blunt items, including planks of wood and a U.S. Capitol Police riot shield. Within one minute, rioters successfully smashed in a window on one side of the Senate Wing Doors and unlawfully entered the U.S. Capitol Building. A handful of people entered the building through the broken window and opened the Senate Wing Door. They were the first to breach the interior of the Capitol. Meanwhile, other rioters, including MILES, continued to smash the window on the other side of the Senate Wing Door. CCTV footage captured MILES smashing a plank of wood into the window and then entering the Capitol building through that broken window. LEBRUN entered through the same window shortly after MILES. *See Images 15 – 19.*



Image 15



Image 16



Image 17



Image 18



Image 19

27. After briefly walking through the Capitol building, MILES and LEBRUN exited through the Senate Carriage Door. *See Images 20 – 22.*



Image 20



Image 21



Image 22

28. According to records lawfully obtained from AT&T, a telephone number that ends in 0844 (the “0844 Number”) is subscribed to “STEVEN MILES,” with a registered email address of “sgt.steve.miles@gmail.com.”

29. According to records from Facebook, the 0844 Number is linked to an Instagram account with the vanity names “miles_fitlife,” which is subscribed to “Miles” with a registered email address of “sgt.steve.miles@gmail.com.”

30. According to records from Google, a Google Pay account linked to the email address “sgt.steve.miles@gmail.com,” includes billing information in the name STEVEN MILES and the 0844 Number. Google records also indicate that the email address “sgtmiles.nvc@gmail.com” is subscribed to STEVEN MILES with the 0844 Number as the sign-in phone number and recovery SMS, and the “sgt.steve.miles@gmail.com” email address as the recovery email.

31. According to records lawfully obtained from the AT&T, the 0844 Number was connected to a cellular tower located approximately 1,400 feet from the U.S. Capitol building at 12:37 p.m., 12:41 p.m., 1:32 p.m., and 1:43 p.m. and 1:44 p.m. on January 6, 2021. These records also indicate that the TARGET PHONE was connected to a cellular tower located approximately 500 feet from the U.S. Capitol building at 2:24 p.m. on January 6, 2021.

32. According to T-Mobile records obtained pursuant to a judicially authorized search warrant, on the afternoon of January 6, 2021, the 0798 Number was identified as having utilized a cell tower consistent with providing service to the geographic area that included the area in and around the United States Capitol building.

33. Hertz, Venmo, USAA and JP Morgan Chase records obtained pursuant to legal process link a telephone number ending in 4811 (the “4811 Number”) to Alan Fischer III. T-

Mobile records obtained pursuant to legal process indicate that a telephone number ending in 9204 (the “9204 Number”) is subscribed to Zachary Johnson. Southwest Airlines and Spirit Airlines records obtained pursuant to legal process link a telephone number ending in 1967 (the “1967 Number”) to Dion Rajewski.

34. A review of telephone records shows that MILES, using the 0844 Number, communicated with Rajewski, using the 1967 Number, Johnson, using the 9204 Number and Fischer, using the 4811. Specially, (1) MILES and Rajewski communicated telephonically 161 times between January 3, 2021, and December 3, 2021, with 121 of these contacts occurring between January 3, 2021, and January 7, 2021; (2) MILES and Fischer communicated telephonically 192 times between January 3, 2021, and June 25, 2021, with 15 of those contacts occurring between January 3, 2021, and January 7, 2021; and (3) MILES and Johnson communicated telephonically 243 times between January 8, 2021, and May 24, 2021.

CONCLUSIONS OF AFFIANT

35. Based on the foregoing, there is probable cause to believe that MILES violated 18 U.S.C. 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of 18 U.S.C. 231, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

36. There is also probable cause to believe that MILES violated 18 U.S.C. § 1361, which makes it a crime to willfully injure or commit depredation against any property of the United States.

37. There is also probable cause to believe that MILES violated 18 U.S.C. § 1752(a)(1), (2) and (4) and (b)(1)(A), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do so; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so. For purposes of 18 U.S.C. § 1752, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

38. There is also probable cause to believe that LEBRUN violated 18 U.S.C. § 1752(a)(1) and (2), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so.

39. There is also probable cause to believe that MILES and LEBRUN violated 40 U.S.C. § 5104(e)(2)(D) and (G), which make it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

40. Finally, there is also probable cause to believe that MILES violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.



Special Agent Christopher Leckinger
Federal Bureau of Investigation

Subscribed and sworn pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on April 8, 2022.

G. MICHAEL HARVEY
U.S. MAGISTRATE JUDGE